



DEVELOPMENT APPLICATION ASSESSMENT REPORT

CITY OF CANTERBURY

<u>DA:</u>	DA-489/2011	<u>FILE:</u>	930/2D Part 4
<u>OFFICER:</u>	Andrew Hargreaves	<u>WARD:</u>	West Ward
<u>PROPERTY:</u>	3 Washington Avenue Riverwood		
<u>DEVELOPMENT:</u>	Construction of two residential flat buildings (height between 7 and 10 storeys) containing 200 apartments, with associated basement car parking, landscaping and servicing		
<u>APPLICANT:</u>	Payce Communities Pty Ltd		
<u>ZONING:</u>	Residential 2(c4) under Canterbury Planning Scheme Ordinance		
<u>APPLICATION DATE:</u>	14 October 2011		
<u>JRPP MEETING:</u>	23 February 2012	<u>CLASS:</u>	Class 2 Residential Flat Building (4+ storey) Class 7a Basement Carpark

Summary

- Council has received a Development Application to construct two multi unit developments over basement parking on the subject site. This application has been lodged as a result of Planning Assessment Commission concept approval to redevelop Riverwood.
- This concept approval was issued under the provisions of, the now repealed, Part 3A of the Environmental Planning and Assessment Act 1979 and effectively overrides Council's planning controls.
- Despite being compliant with the concept approval, the development departs from some key Council controls including Floor Space Ratio, density and height.
- The Development Application was lodged on 14 October 2011. Amended plans were requested on 2 December 2011 and were finalised on 11 January 2012.
- The Development Application was notified from 8 – 30 November 2011. One submission was received raising concerns of traffic and building height.
- The proposal, despite the departures from Council's planning controls is consistent with the Planning Assessment Commission's concept approval and is recommended for approval as a Deferred Commencement consent to resolve outstanding monetary contributions matter.

Report:

Background

This Development Application (DA) forms part of a larger redevelopment of the Riverwood North Estate. This redevelopment represents a Major Project under State Environmental Planning Policy (Major Projects) 2005 [Clause 13 Schedule 1].

A briefing meeting was held with the JRPP on 7 December 2011. At this meeting Council advised that additional information had been sought from the applicant to address the request of 2 December 2011 and while support is conceptually given for the proposal, it does represent a significant departure from Council's controls. In this regard, it should be noted that had the applicant lodged separate applications for each individual development (being Blocks A, B, C, D and E) they would be subject to Council's Development Control Plans which do not permit development of the proposed scale.

Site Analysis

The vacant site is located on the northern side of Washington Avenue, south of Vermont Crescent. Access to Washington Avenue is gained from Belmore Road. The site enjoys frontage to both Washington Avenue and Kentucky Road.

The proposed development will be located over three existing lots being Lot 459 in DP 243672 as well over parts of Lots 458 and 460 in DP 243672.

It is proposed to resubdivide this site as future Lot 2 Kentucky Road. Two future roads are also proposed to service this site as well as the eastern adjoining development at Block A. However neither of these two elements forms part of this DA. Subject to this resubdivision, the site will be 4553sqm in area.

While the subject site is now vacant it did accommodate older style multiple unit developments (containing 12x2 bedroom and 6x3 bedroom units) which is indicative of the Riverwood character. In addition, the southern adjoining site accommodates two eight storey multiple unit towers, each of which has a parking undercroft providing a nine storey building envelope and appearance.

Proposal

The proposal seeks consent to construct two residential multi-unit developments for 200 units over a shared basement carpark.

The basement carpark will consist of an Upper and Lower basement as well as a Lower Ground Floor parking level. The development will accommodate:

Basement Level 01: This level of resident parking will accommodate 102 spaces. Of these spaces 22 are tandem or stacked in form and can only be allocated (as part of the eventual strata subdivision) to one unit each. A similar tandem parking situation also occurs of the lowest parking level. In addition to parking, this level will also accommodate lifts to the upper levels, 5 bicycle storage, 23 resident storage cages and fire safety and stormwater infrastructure.

Basement Level 02: This level of resident parking will accommodate 98 spaces, 51 resident storage cages and 3 bicycle storage facilities.

Lower Ground Floor: Due to the sloping nature of the site this level will be below ground as viewed from Washington Avenue and slightly above ground level as viewed from Kentucky Road. Access to this level is gained from the proposed future road running between Kentucky Road and Washington Avenue to the west of this site but, as mentioned above, does not form part of this DA.

To take advantage of the sloping site this level will accommodate nine units (7 x 2 bedroom and 2 x 1 bedroom) addressing Kentucky Road. Seven of the units are located in Tower B and will enjoy pedestrian access directly from Kentucky Road. The other units (located in Tower A) will enjoy pedestrian access from an internal lift lobby.

In addition to these nine units, this level is primarily used to accommodate waste management facilities, 42 visitor parking spaces, 34 resident parking spaces, 54 bicycle storage facilities and a car wash bay.

Upper Ground Floor: This level is elevated above Washington Avenue by 1.52m and above Kentucky Road by 4.04m. As such it represents a podium level from which the two resident towers emerge. This podium also accommodates a communal landscaped courtyard for resident use.

Building A: This is the larger L-shaped building. It will present as a nine storey building to Washington Avenue (plus an upper roof level, or tenth storey, accommodating utilities) and as a seven storey building to the future road. Access to the basement carpark (via the future road) will be contained in this building. Building A will accommodate a total 44 x 1 bedroom units, 91 x 2 bedroom units and 8 x 3 bedroom units.

Building B: This is the smaller square shaped building. It will present as a six storey building to Kentucky Road and as a seven storey building as seen from the eastern adjoining development. Building B will accommodate a total of 17 x 1 bedroom units and 40 x 2 bedroom units.

Statutory Considerations

When determining this application, the relevant matters listed in Section 79C of the Environmental Planning and Assessment Act 1979 must be considered. In this regard, the following environmental planning instruments, development control plans (DCPs), codes and policies are relevant:

- (a) State Environmental Planning Policy (Major Development) 2005
- (b) State Environmental Planning Policy (Building Sustainability Index) 2004
- (c) State Environmental Planning Policy (Infrastructure) 2007
- (d) State Environmental Planning Policy 55 – Remediation of Land
- (e) State Environmental Planning Policy 65 – Design Quality for Residential Flat Buildings
- (f) Sydney Regional Environmental Plan 2 – Georges River Catchment
- (g) Canterbury Planning Scheme Ordinance
- (h) Development Control Plan 13 – Multiple Unit Development
- (i) Development Control Plan 20 – Carparking
- (j) Development Control Plan 28 – Flood Management and Flood Proofing
- (k) Development Control Plan 29 – Crime Prevention Through Environmental Design
- (l) Development Control Plan 32 – Notification Policy
- (m) Development Control Plan 37 – Energy Smart Homes Code
- (n) Development Control Plan 45 – Landscape
- (o) Development Control Plan 48 – Waste Management
- (p) Development Control Plan 51 – Access and Mobility
- (q) Stormwater Management Manual
- (r) Section 94 Contributions Plan

Assessment

The development application has been assessed under Sections 5A and 79C of the Environmental Planning and Assessment Act, 1979 and the following key issues emerge:

1. Statutory Position - Permissibility

The site is zoned Residential 2(c4) under the Canterbury Planning Scheme Ordinance (CPSO). The development is defined as a multiple unit development and is permissible with consent in this zone.

Beyond permissibility, there are two controls in the CPSO which are applicable to this DA, namely Floor Space Ratio (FSR) and building height.

Clause 44 of the CPSO permits a maximum FSR for multiple unit development of 0.75:1. The proposed development seeks a total gross floor area of 18,104.53sqm. Based on a final site area of 4553sqm this results in an FSR of 3.98:1. This represents a substantial departure from the development standard.

In considering the proposed FSR departure it is noted that while this DA is lodged under Part 4 of the Environmental Planning and Assessment Act 1979 and is therefore subject to the development standards contained in the CPSO, as the proposal forms part of PAC concept approval it is also subject to, the now repealed, Part 3A of this Act. Section 75J (3) of the EPAA allows discretion for the Minister (or the Minister's delegate) in considering development standards contained in Environmental Planning Instruments, including the FSR in the CPSO.

The PAC concept approval permitted a maximum FSR of 4:1. The proposed FSR of 3.98:1 is compliant with this control.

Given the status of this DA being the result of a PAC concept approval issued under Part 3A of the EPAA, compliance with the FSR control is not necessary and an objection to the FSR, by SEPP 1 – Development Standard, is not required.

In considering the FSR departure from the CPSO, the PAC concept approval and the associated DoPI's Director General's Environmental Assessment noted that the Canterbury LGA is required to provide an additional 7100 dwellings by 2031 as required by the Draft Subregional Strategy for South Subregion (being part of the Metropolitan Strategy). Increasing the FSR for Riverwood North would contribute to this goal.

Clause 45 of the CPSO requires that building not exceed two storeys without the consent of the responsible authority. The proposal also seeks a significant departure from this standard. As outlined above, in issuing the concept approval for the Riverwood North redevelopment consideration to the building height control was not required. In light of this, no objection is raised in granting consent for a development greater than 2 storeys in height.

The proposal is acceptable having regard to the CPSO. The PAC concept approval and its status as a Part 3A approval effectively overrides the development standard in the CPSO and the departure from these controls requested as part of this DA can be favourably considered without a need to vary them by SEPP 1.

2. *Consideration of other EPIs/DCPs/Codes applying to development*

• SEPP (Major Development) 2005

As outlined above, this DA is the result of a PAC concept approval issued under the now repealed provisions of Part 3A of the EPAA. The redevelopment of Riverwood North is development deemed as a major project under Clause 13 in Schedule 1 of SEPP 2005.

The Director General's Environmental Assessment report, which was used for the PAC to issue their concept approval, discusses the proposal in light of Council's own planning controls, including FSR and height.

Part 3A of the EPAA allows discretion when considering a proposals compliance with Council's controls in these instances. An FSR of 4:1 was considered acceptable due to the following factors:

- The FSR was considered acceptable as the increased density would not result in an any adverse amenity impacts and there are appropriate supporting services (eg: close to public transport and major roads);
- The "uplift" given to private dwellings within the overall redevelopment of Riverwood North would enable Housing NSW to redevelop their own housing and provide opportunity for increased diversity in housing stock;
- The increased density allowance is consistent with the need to develop 7100 more dwellings in the Canterbury LGA as required by the Draft Subregional Strategy for South Subregion; and
- A greater density is appropriate given the site's location near rail and road infrastructure, its contribution to urban renewal and would promote greater social and housing mixtures by the use of one, two and three bedroom units.

Similarly, the proposed height was deemed appropriate as it represents a reasonable interface between the existing 2 x 8 storey buildings to the south of the site and to the 6-9 storey buildings (Blocks A, D and E) approved in other phases of the Riverwood North redevelopment.

In addition to considering FSR and building height, other issues require consideration as part of SEPP 2005. These issues include layout, amenity, solar access, noise, landscaping, traffic and carparking.

Layout

The existing layout of Riverwood North is typical of older social housing estates by its use of no through roads and irregular street patterns. While the street network will not be altered by this DA, the PAC concept approval requires that two new streets be constructed to connect Kentucky Road with Washington Avenue. One of these streets will provide access to this proposal. This altered street and building layout is considered to improve access within Riverwood North by having clear areas of public and private space to reduce anti-social activity by removing communal open areas between buildings.

Amenity

The proposed building is subject to the design and amenity controls in SEPP 65 – Design Quality for Residential Flat Buildings. A Design Statement accompanies

this DA which confirms that this proposed development will meet the design requirements found in SEPP 65.

Solar Access

It is noted the PAC approval consisted of two L shaped buildings. This has been amended as part of this DA to retain Tower A as L shaped but Tower B and square. This was done to improve the internal amenity (including solar access) to these “internal” facing dwellings and is acceptable.

Due to its height Building A will cast shadow onto the adjoining southern buildings on Washington Avenue. This shadow will fall mainly on the lowest level of the southern adjoining building however the effected dwelling will still achieve adequate solar access.

Noise

While this site does not adjoin a busy road, as defined by Clause 102 of SEPP (Infrastructure) 2007, an acoustic report has been provided as part of this DA due to its proximity to the M5 Motorway and Belmore Road. An assessment of this report found it to be reasonable and no objection is raised to the proposal regarding noise and acoustic impacts.

Landscaping

The proposal includes a large central landscaped space for site users as well as private open space/balconies for individual units. There is an appropriate landscaped design response for this development. A landscape plan has been lodged with this DA and is acceptable as assessed under DCP 45 – Landscape (to be discussed below). A condition of consent will apply that a detailed landscape plan accompany the Construction Certificate.

Traffic

The traffic generation from this DA will have no adverse impacts on the level of service along Belmore Road. Council did request that the applicant consider installing traffic signals along Belmore Road. However the Roads and Maritime Service (RMS), formally the RTA, advised that this intersection does not meet their guidelines for installing traffic signals. Council’s Traffic and Transport Team Leader has raised no objection to this DA.

Carparking

Adequate off street parking is provided for residents, visitors and bicycles. As mentioned above, a condition of consent will apply that any tandem parking spaces be allocated to the same unit.

The redevelopment of Riverwood North has been deemed a major project under SEPP 2005. The concept approval issued for this redevelopment by the PAC under Part 3A of the EPAA is not required to have consideration to Councils local planning controls. This, in conjunction with the development goals for the Canterbury LGA found in the Draft Subregional Strategy for South Subregion has been used to justify the substantial departures from the local planning controls.

The PAC approval has the effect of nullifying the local planning controls. However, it is understood that the PAC approval has a long term goal of renewing Riverwood North and as such no objection is raised to overriding Council’s local

planning controls.

- **SEPP (BASIX) 2004**

BASIX Certificate No.38495M dated 29 June 2011 accompanies this application. The commitments include providing water saving devices such as low water using taps, showerhead, plants use of rainwater tank as well as suitable energy uses such as gas cooktops and electric ovens, kitchen, bathroom, laundry and lift and basement ventilation devices. A condition of consent will apply that the development be fitted out to meet these nominated BASIX commitments.

- **SEPP (Infrastructure) 2007**

Subject to Clause 45 of SEPP 2007 the applicant has advised that that electrical infrastructure will need to be upgraded and relocated to meet the demand of the redevelopment of Riverwood North. The applicant has been advised by Energy Australia that the existing substations will need to be decommissioned and upgraded as the existing Riverwood substation is near full capacity. The proposed new infrastructure will be underground, however the new substation for this DA will be located between Building B and the eastern adjoining future road.

As mentioned above this DA is not subject the noise controls for developments adjoining busy roads. While the proposal does seek to accommodate 200 units as it is located more than 90m from a major road (Belmore Road) it does not require referral to the RMS and is not subject to “Development Near Rail Corridors and Busy Roads - Interim Guidelines”.

In general though an acoustic report lodged with the DA has been found to be satisfactory and that the development will only experience typical noise which will not impact significantly on internal resident amenity.

- **SEPP 55 – Remediation of Land**

A Remediation Action Plan (RAP) was prepared prior the lodgment of this DA. The RAP found evidence of contamination and required that Riverwood North be remediated prior to construction being carried out. The remediation, which does not form part of this DA, is scheduled to commence in February 2012.

- **SEPP 65 - Design Quality of Residential Flat Buildings.**

The applicant has provided design verification as required by Part 4 in SEPP 65 that the proposed development is consistent with the design principles found in SEPP 65.

Here is a summary of the design verification:

Design Principle	Comments	Complies
Context	The proposal is set amongst other substantial RFB's. The proposal is part of the renewal of Riverwood North and is consistent with the scale required by the NSW State Plan.	Yes
Scale	The proposal is in transition between proposed smaller RFB's and existing larger RFB's on Washington Ave. The proposed streets define the scale of the proposal. The proposal improves internal amenity for residents versus the original design approved by PAC.	Yes
Built Form	Each RFB is adequately separated for the other and from the surrounding proposed RFB's.	No, see comments

	RFB's have a suitable depth for light to enter dwellings. Building setbacks reinforce the built form along the two street frontages.	
Landscape	The landscaping provides for private areas and communal open space. Landscaping defines private and communal open space. Communal open space and Building B balconies depart from standards.	No, see comments
Amenity	The proposal has a good mix of 1, 2 & 3 bedroom units. 68% of units have cross ventilation. Some 1 bedroom units are less than 50sqm. Adaptation units & parking is provided for 20 units. Internal storage provided for most units with remainder in basement.	No, see comments
Safety & Security	Clear vehicular and pedestrian access provided. Passive surveillance provided by balconies overlooking communal open space. Active surveillance provided by swipe card and intercom access into and around buildings.	Yes
Social Dimension	RFB provide well priced dwellings in Riverwood. A broad range of 1, 2 & 3 bedroom units and 10% adaptation units.	Yes
Aesthetics	Each RFB has various external colours and finishes relating to its ground, mid-height or upper-height nature. Colour highlights and forms and used to "break up" massing. Balconies are used to reduce "block" appearance.	Yes

As outlined above the proposal is consistent with the design quality requirements of SEPP 65 and the Residential Flat Design Code (RFDC). However some departures are sought and are discussed below.

Building Depth

While Building A has a suitable building depth of between 11m and 18m, Building B has a greater depth of between 25m – 27m. The RFDC requires that the building depths be no more than 18m and any that are demonstrate that units will receive adequate light.

The greater depth for Building B is caused by the central access core for this building and its generous corridor. This design feature was done to alter the original L-shaped building approved by PAC to improve solar access to Building A. Units within Building B receive adequate solar access and cross ventilation. The improved solar access and cross ventilation to the units in Building B will improve the amenity for residents and are a suitable "offset" against the building depth restriction in the RFDC.

Deep Soil Planting Communal Open Space

The RFDC requires that 25% of open space be provide as deep soil planting. Adequate areas of deep soil planting are proposed along the southern and eastern frontages of the development respectively as well as some "pockets" of deep soil planting in the communal landscaped area on the podium level. The landscaped

treatment of these areas allows for suitably sized trees to be established, though it is noted that these trees are unlikely to be of a large/significant size or canopy and will be medium in size.

Private Open Space

While some lower level units have balconies with a length of 3.5m rather than the required 4m, the overall quality of balcony design (being northern or eastern orientated) and the suitable communal open space is deemed to adequately compensate residents in this minor shortfall. This is not considered to be a loss of amenity for site users.

Dwelling Size

The RFDC requires that each 1 bedroom units be at least 50sqm. It is noted that some 1 bedroom units in Building B do not achieve this standard. The proposed floor area is generally between 45sqm and 48sqm. Given this minor departure and the overall quality of the development, the impact on potential future residents is negligible and can be supported.

The proposal is consistent with the design requirements found in the RFDC. While some departures are sought these are generally minor in nature and do not pose any unreasonable amenity impacts on site users.

- **Sydney REP 2 – Georges River Catchment**

SREP 2 (now a deemed SEPP) requires consideration be given to the following potential impacts of this DA onto the George River catchment:

Acid Sulfate Soils

Riverwood North has a Class 5 level of acid sulfate soil. This is a low classification which does not represent an impact on the proposed development.

Flooding and Urban Stormwater Runoff

The proposed development, and the larger Riverwood North area, is not subject to any recognised local flooding. An adequate stormwater disposal system is proposed as part of the DA.

Land Degradation

Conditions of consent will apply that during the works period adequate soil and sediment erosion controls are in place to minimise any runoff or local degradation.

Urban Development Areas

The proposed DA, and the renewal of Riverwood North, is consistent with the State Government's Metropolitan Plan for Sydney and the specific goal is increasing residential housing stock in the Canterbury LGA by 7100 dwellings.

This DA does not represent any significant impact on the Georges River catchment and can be supported in light of SREP 2.

- **DCP 13 - Multiple Unit Development**

As outlined above, this DA is the subject of a PAC concept approval issued under Part 3A of the EPAA. As such, the local planning controls, unless specifically stated as being applicable in the PAC approval are effectively overridden.

However it is worth considering how the proposal would meet the local planning

controls, as outlined the following table.

Standard	Requirement	Proposal	Complies
Site Width	20m	62.98m	Yes
Density	90sqm x 1 bedroom 110sqm x 2 bedroom 150sqm x 3 bedroom Site Area = 21 100sqm	Site Area = 4553sqm	No
Open Space	50sqm x 1 bedroom 55sqm x 2 bedroom 70sqm x 3 bedroom Open Space = 10815sqm	Courtyard = 822sqm Eastern frontage = 56sqm Total Open Space = 978sqm	No
Balconies	5sqm min 2m min dimension Located off living room	8sqm min 2m min dimension Located off living room	Yes Yes Yes
Front Setback	8.5m Courtyard occupy >50% of site width	2.9m (from Washington Ave) Courtyards occupy <50% of site width	No No
Side and Rear Setbacks	Building A north and west = 7.725m east = 10.3m Building B north and east = 7m	<1m 2.9m <2.5m	No No No
Height	Bldg A = 29m Bldg B = 19m	9m	No No
Landscape	Landscape plan Children playground	Landscape plan No playground	Yes No
Privacy	Balconies be 12m apart Balconies not overlook	UG level balconies <12m Minimal overlooking	No Yes
Bldg Design	Varied unit layout Sunlight orientated	Varied unit size and layout Orientated to capture sunlight	Yes Yes
Noise	Isolate noisy areas	Separation of uses (including waste room) is adequate	Yes
Clothes drying	Provide clothes dryers or clothes lines	Clothes driers provide to each unit	Yes
Letter boxes	Letter boxes meet Australia Post standards	Letter boxes to meeting Australia Post requirements	Yes
TV Antenna	A master antenna be provide to each building	A master antenna will be provided to each building	Yes
Storage	5 cubic metres per unit	SEPP 65 provisions apply	No

As shown in the above table, the proposed development represents a substantial departure for the controls in DCP 13. However, as this DA is the direct result of a PAC concept approval which effectively overrides the local planning controls no objection is raised to the proposed due to these non-compliances. Had the DA been lodged without the benefit of the PAC approval it would not be supported.

Despite the non-compliances with the building envelope controls in DCP 13, it recommended that conditions of consent apply that certain amenity issues raised in DCP 13 be addressed, including that the letter box banks be fitted out to meet Australia Post design standards and that each building be restricted to one master TV antenna. In this regard this condition will act to prevent supplementary

antennas, including other telecommunication infrastructure from being erected on the roof of either building.

It is also noted that DCP 13 requires that a 5 cubic metre storage facility be provided for each unit. SEPP 65 has a similar requirement based on the size of each unit (ie: the larger the unit the more storage it gets). Due to the overriding nature of SEPP 65 to DCP 13, the storage facilities for each unit will adopt the SEPP 65 approach of providing storage facilities within each unit. Some units will have storage facilities located in the basement parking areas.

- **DCP 20 - Carparking**

Condition 5 of the PAC concept approval requires that off street parking be provided at the rate of one space per 5 public housing units and private parking be provided as required by DCP 20. This DA does not propose any public housing the DA must assessed against the requirements found in DCP 20 as shown in the table below.

Standard	Required	Proposed	Complies
Total	1 bed = 61 spaces 2 bed = 157 spaces 3 bed = 16 spaces	1 bed = 61 spaces 2 bed = 157 spaces 3 bed = 16 spaces	Yes
Visitor	1 space per 5 dwellings = 40 spaces	40 spaces, including 1 access space	Yes
Carwash bay	1 spaces	1 space	Yes
Bicycle	40 resident and 20 visitor	62 spaces	Yes

The proposal provides adequate off street parking for the proposed 200 residents and is acceptable.

However, as the DA does not seek strata subdivision of the site the resident parking spaces have not been allocated to any units. Conditions of consent will apply that:

- Visitor and resident parking spaces be separately signposted.
- That each unit be allocated at least one parking space, with the 8 x 3 bedroom units each receiving two spaces.
- That the tandem (or stacked) parking spaces located in the basement be used for the same unit per their tandem arrangement. These spaces would be appropriate for the 8 x 3 bedroom units with the remaining tandem spaces being allocated to other units.

- **DCP 28 – Flood Management and Flood Proofing**

This site is not flood affected. However, a flood report has been prepared as part of this DA which found that the development will not be subject to flooding and that the proposed stormwater management system will adequately cater for significant rainfall/storm events.

- **DCP 29 – Crime Prevention Through Environmental Design**

The proposal complies with the crime prevention requirements of DCP 29 as follows:

Control	Requirement	Proposal	Complies
Site & Building layout	Position habitable rooms at front	Ground floor units address the relevant street frontage	Yes

	windows. Each building address the street.	The two buildings address Washington Ave Kentucky Rd with vehicular access off a new side street	Yes
Property identification	Building entry and units be clearly numbered and identified	Each building has clear pedestrian and vehicular entry points. Unit numbers are to be clearly marked	Yes
Security	Prove security entry point by swipe cards and intercoms	Formal security is provided by swipe access card and basement access controls.	Yes
Landscaping	Landscaping should provide amenity and provide barriers to unauthorised access.	Landscaping provides for clear communal space and entry points. Smaller trees and shrubs reduce concealment points.	Yes
Material	Use high quality finishes and landscaping to deter graffiti.	Appropriate landscaping and high quality finishes reduce “blank canvas” graffiti opportunities and enhance the amenity and “ownership” of the site.	Yes

Beyond the compliance with the controls in DCP 29, the proposal has been reviewed by Council’s Crime Prevention Officer who raised no objection to the proposal provided that appropriate finishes and landscaping is used to minimise unauthorised access and graffiti opportunities.

- **DCP 37 – Energy Smart Homes Code**

Due to the ten storey nature of Building A, the proposed development will cast significant shadows over Washington Avenue and onto the two existing eight storey multiple units opposite this site.

DCP 37 requires that two hours solar access is achieved to effected properties.

The shadow cast onto the northern elevation of the 8 storey southern adjoining building allows for the most affected unit to receive solar access to its northern elevation windows and balcony between 11.30am and 1.00pm and between 2.30pm and 3.00pm. This complies with the two hours solar access required by Clause 7.9 in this DCP. In addition to these two hours of full solar access, partial shadow/sunlight is achieved beyond this timeframe.

- **DCP 45 – Landscape**

An assessment of the landscape plans has been carried out. As mentioned above the proposed tree planting is not considered to result in a significant tree canopy due to the restricted “deep soil” areas proposed. However, the quality of landscaping provided is considered to provide amenity to site users.

- **DCP 48 – Waste Management**

The proposal has been assessed under the provisions of DCP 48 and found to be satisfactory. A condition of consent will apply that the waste management room be fitted out to comply with DCP 48 (details to be shown on the Construction Certificate plans) and that access be made available for waste contractors to access the waste management room from 5am on collection day.

- **DCP 51 – Access and Mobility**

DCP 51 does not specifically apply to this application as the development is not a publicly accessible building. However this plan does promote the requirements of the Disability (Access to Premises – Buildings) Standard 2010 or Premises Standard be incorporated into design plans at the DA stage.

The application proposes to accommodate twenty adaptation units in the development (with associated carparking).

A condition of consent will apply that the development be fitted out to comply with the Premises Standard. The consent will also contain an advice that the lifts be large enough to accommodate an ambulance stretcher (in case of a medical emergency) and that the twenty adaptation units be rotated (on every second floor) to be right or left handed adapted.

- **Stormwater Management Manual**

An adequate plan of stormwater disposal has been lodged with this application. It has been assessed and found to satisfactorily dispose of urban runoff and stormwater from this development. Conditions of consent will apply in this regard.

- **Section 94 Contributions Plan**

As part of the Director General's Environmental Assessment, it was noted that the applicant was to engage with Council to finalise a Voluntary Planning Agreement (VPA) prior to the lodgment of a DA or that DA be subject to Council's Section 94 Contributions Plan.

As a result of the Environmental Assessment the PAC concept approval was issued subject to Condition 11 which required:

"The Proponent shall demonstrate that prior to lodgment of any future application for Phase 02 and beyond that a Planning Agreement between the Proponent and Council has been agreed to and that requirements for that stage have been incorporated into the proposed works and the delivery or payment of funds would be completed with the relevant stage. Alternatively, if a Planning Agreement has not been entered into, Council's Section 94 Contributions Plan will apply."

At the time of lodging this DA, a VPA had not been formally entered into between Council and the applicant and as such Section 94 Contributions will apply. However, it is noted that negotiations between Council and the applicant have commenced to resolve a VPA.

In light of these negotiations, the applicant has requested that instead of imposing a condition requiring the payment of Section 94 Contributions that the condition be worded to allow for the partially negotiated VPA to proceed or to allow the payment of monetary contributions if the VPA does not proceed.

Given the extent of public works to be carried out as part of the renewal of Riverwood North, it is considered reasonable that some flexibility be provided to best allow both Council and the applicant to provide community facilities that will be necessary given the significant increase in residents to Riverwood North.

The applicant has requested that the VPA or monetary contributions be paid prior to the issue of any Construction Certificate (CC). Such a condition would reflect the partially negotiated status of the VPA as well as negate the need to modify any development consent by a Section 96 Modification depending on the outcome of any further VPA negotiations.

It is Council's preferred option that, given the scale of the Riverwood North renewal, that the VPA would have been agreed to before the lodgment of this DA.

Despite this not occurring, the applicants request for flexibility in arranging for community facilities is reasonable. However the applicants request that a VPA or Section 94 Contributions be resolved or paid prior the issue of a CC cannot be supported.

Given the scale and sensitivity of the VPA with Council and the future residential needs, and the likelihood that the development will be privately certified, there is no mechanism to prevent the CC from being issued without Council first finalising the VPA. As the community facilities provided for by the VPA are fundamental to the successful "renewal" of Riverwood North it is not reasonable that such a matter be dealt with as a condition of consent.

It is recommended that the DA be approved as a Deferred Commencement consent requiring the applicant finalise a VPA with Council prior to the consent becoming active.

In the event that a VPA cannot be agreed to, monetary contributions will apply as a condition of consent to be paid prior the issue of the CC.

Should the VPA not be successful monetary contributions are payable in light of Council's Section 94 Contributions Plan. The proposed development is deemed "major development" under this plan (as it contains more than 50 units) the contributions can be negotiated on a case-by-case basis, as outlined in Clause 7.3, instead of the applying the standard contributions rate. The contributions would be made and/or considered based on the, now demolished, 16 units that occupied this site and the proposed 200 units.

- **DCP 32 – Notification Policy**

The development application was placed on public notification from 8 to 30 November 2011 in accordance with Council's Notification Policy. This included writing to nearby land owners and occupiers as well as advertising the proposal in local newspapers. One submission was received raising issues regarding traffic and building height.

Regarding traffic flows, concern was raised that due to the increase in residents to Riverwood North that any additional cars will cause disruption along Belmore Road. Comment from the RMS has been sought and they've advised that the additional traffic caused as result of the renewal of Riverwood North does not represent a need

to increase signaling along Belmore Road or other traffic calming devices. Further, Council's own traffic unit has raised no objection to the DA.

Concern is raised that as some problems had previously arisen from the existing 2 x 8 storey building to the south of the proposed DA that such developments would not be permitted in the future. The building height (and the overall scale of the development) was a matter of some consideration as part of the Director General's Environmental Assessment and PAC concept approval. It was found that when considering the mix of housing types (one, two and three bedroom units), the 75-25 mix of private and public housing across the renewal areas and the need to increase dwellings within the Canterbury LGA by 7100 that the height sought was reasonable.

3. *Likely Impacts on the Environment*

- ***Sediment and Erosion Control***

As mentioned above, the proposal has been assessed against the environmental controls found in SREP 2 and was found not to pose a risk the environmentally sensitive nearby land at Salt Pan Creek.

Standard conditions will be included regarding the installation and maintenance of the sediment and erosion control measures as part of the pre and during construction phase of the development.

- ***Health, Safety & Amenity during Construction Phase***

During the construction of the development, the health and amenity of workers, the public and adjoining properties alike needs consideration under Section 79C of the EPAA. Accordingly, all works associated with the development will be restricted to daytime hours to ensure the works will not be a nuisance to adjoining occupiers and property owners (by way of standard condition).

4. *The public interest*

This proposal as the renewal of Riverwood North is considered to be in the public interest, despite the departure from the local planning controls. This renewal represents a step in complying with the residential density increases required, by the State Government, for the Canterbury LGA. Further, the mix of public and private housing is considered to benefit the local community by introducing a greater mix of dwelling types (eg: one, two and three bedroom units) as well and a greater mix of households (eg: singles, couples, families). This DA also accommodates twenty adaptation units to meet access requirements for any disabled occupants.

5. *Suitability of site for the development*

The existing nature of Riverwood North is an older style public housing estate in need of renewal. The existing estate already consists of medium density housing (generally three storey multiple unit development) as well as two x eight storey multiple unit developments opposite the subject site. The area is also well serviced by major roads and railway. Additional amenities such as schools and shops are also within walking distance or a short drive away. The site is suitable for renewal. However, as outlined above when discussing DCP 13, the proposal (and Riverwood North generally) increases its density against our local controls substantially.

6. *Other matters*

This proposal seeks consent to construct two multiple unit buildings. However, while not part of this application, these dwellings are reliant on the carrying out of certain physical infrastructure most notably a new street connecting Kentucky Road with Washington Avenue (located the west of the proposed buildings). This street will provide the only vehicular access to the site for residents and site users such as waste collection.

While the road does not form part of this application, it is reasonable that some consideration be given to this road given its reliance with the proposed residential development. This is required by Section 79C(1)(b) of the Environmental Planning and Assessment Act and has been reiterated in *Hoxton Park Residents Action Group Inc v Liverpool City Council* [2011] NSWCA 349, where Justice Basten found that an impact being a likely consequence of the proposed development should be considered.

While most impacts for a new street would surround its physical environmental impact (eg: traffic flow and urban runoff) the direct relationship between this new street and the proposed residential development is its social impact ie: it is only means for vehicular access to this site.

To resolve this social impact, it is reasonable that a condition of this consent apply that the new street be constructed and finished prior to an Occupation Certificate being issued for this development.

In order to accommodate the new streets the site may first need to be subdivided into the “master lot layout” conceived at the PAC approval and shown on the site map at the beginning of this report. The eventual strata subdivision of these 200 units may also dependent on this occurring.

Conclusion

This application, for two multiple unit buildings, seeks consent to carry out works conceptually approved by the Planning Assessment Commission on the advice of the Department of Planning and Infrastructure.

The concept approved issued by the Commission relates to the renewal of Riverwood North. The subject application seeks consent to carry out only part of the renewal project. Separate applications will be made to Council for the remaining portions.

The application is consistent with the controls required by the Planning Assessment Commissions concept approval and is therefore supported.

One area of concern however is the issue of monetary contributions. The renewal of Riverwood North requires substantial community facilities to be provided for. While these facilities can be funded by levying Section 94 Contributions for each DA lodged, a Voluntary Planning Agreement may be universally preferred.

The applicant has requested that any agreement be reached prior to the issue of a Construction Certificate for these works. However given the scale of such an agreement it is reasonable that this approval be issued as a Deferred Commencement consent to require the agreement be reached prior the consent becoming active.

This application has been assessed pursuant to the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and all relevant environmental planning instruments, development control plans, codes and policies and is recommend for approval as a Deferred Commencement consent.

RECOMMENDATION

1. That the development application be approved as a **DEFERRED COMMENCEMENT** Consent under Section 80(3) of the Environmental Planning and Assessment Act 1979. The consent requires the applicant to provide evidence to Council within two years of the date of this Notice sufficient to satisfy the following condition (A) before the consent can operate. The deferred commencement condition is:
 - A. The applicant and the City of Canterbury agree on the terms of providing community facilities for Riverwood North. Development contributions are to be made in the form a Planning Agreement, as described in Condition 11 of Schedule 4 in the Concept Approval of the Riverwood North Estate Residential Renewal Project (Planning Assessment Commission ref: MP 10_0167), or in accordance with the City of Canterbury's Section 94 Contributions Plan 2005 as detailed in Condition No. 12 in the main body of conditions below.
2. The following conditions of consent including any other conditions that may arise from the matters listed above, will be included in the development consent issued by Council after the applicant provides information sufficient to satisfy Council in relation to Condition A in the Deferred Commencement consent:

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

1. The following must be submitted to either Council or an Accredited Certifier prior to the issuing of a Construction Certificate:
 - 1.1. Details of:
 - Structural Engineering Plan
 - Building Specifications
 - Protection from termites
 - Fire Safety Schedule
 - Fire separation between uses and spaces
 - Hydraulic Plan
 - Sydney Water Notice of Requirements
 - Soil and Waste Management Plan
 - BASIX Certification
 - Noise & Vibration Separation Between Units (Bathrooms to Habitable Rooms)
 - Compliance with Part D2.4 of BCA (Separation of Fire Stair Ascending & Descending Risers)
 - Amended Landscape Plan
 - Ventilation of basement in accordance with AS168.2
 - Compliance with the Disability (Access to Premises – Buildings) Standard 2010.
 - 1.2. Evidence of compliance with Condition A of the Deferred Commencement consent and any subsequent and/or remaining conditions except those relating to building inspections and Occupation Certificate (these must be addressed after the issue of a Construction Certificate).

- 1.3. Payment of the Long Service Leave Levy to the Long Service Leave Corporation or to Council.
- 1.4. Payment to Council of:

Kerb and Gutter Damage Deposit	\$2396.00
Certificate Registration Fee	\$36.00
Long Service Levy	\$169380.20
Long Service Levy Commission	\$19.80

Note 1: If you appoint Council as the Principal Certifying Authority additional fees will apply, including the Construction Certificate fee, Building Inspection fees and Occupation Certificate fee.

Note 2: When the items in this consent are provided and have been assessed as satisfactory, your Construction Certificate will be posted to you.

Note 3: All Council fees referred to above are subject to change. You need to refer to our website or contact our Customer Service Centre for a current schedule of fees prior to payment.

BEFORE COMMENCING THE DEVELOPMENT

2. Before the erection of any building in accordance with this Development Consent;
 - 2.1. detailed plans and specifications of the building must be endorsed with a Construction Certificate by the Council or an Accredited Certifier, and
 - 2.2. you must appoint a Principal Certifying Authority (either Canterbury City Council, or an Accredited Certifier) and notify the Council of the appointment (see Attachment – Notice of Commencement copy), and
 - 2.3. you must give the Council at least 2 days notice of your intention to commence erection of the building (see Attachment – Notice of Commencement copy). In the case of work which includes residential development, you must inform us in writing before the commencement of work of the name and contractor or licence number of the licensee who has contracted to do or intends to do the work.
 - 2.4. A hoarding or fence be erected between the building and any public place to prevent unauthorised access.

SITE SIGNAGE

3. A sign shall be erected at all times on your building site in a prominent position stating the following:
 - 3.1. The name, address and telephone numbers of the principal certifying authority for the work, and
 - 3.2. The name of the person in charge of the work site and a telephone number at which that person may be contacted during and outside working hours, and
 - 3.3. That unauthorised entry to the work site is prohibited.

GENERAL

4. The development being carried out in accordance with the plans, specifications and details set out in the table below except where amended by the conditions specified in this Notice:

Plan Number	Dated	Prepared by	Rec'd by Council
DA110 – DA111(Rev 4)	10/1/12	Turner and Associates	10 January 2012
DA112 (Rev 4)	10/1/2012	Turner and Associates	11 January 2012
DA113 (Rev 3)	20/12/2011	Turner and Associates	21 December 2011
DA114 – DA122 (Rev 1)	9/8/2011	Turner and Associates	14 October 2011
DA130 (Rev 3)	20/12/2011	Turner and Associates	21 December 2011
DA200 (Rev 1)	9/8/2011	Turner and Associates	14 October 2011
DA201 (Rev 3)	20/12/2011	Turner and Associates	21 December 2011
DA300 - DA302 (Rev 1)	9/8/2011	Turner and Associates	14 October 2011

DA303 (Rev 4)	10/1/2012	Turner and Associates	10 January 2012
DA304 (Rev 4)	101/2012	Turner and Associates	11 January 2012
11094 001 – 011 (Rev 3)	20/12/2011	Floth Consultants	21 December 2011
11094 012 – 014 (Rev 1)	20/12/2011	Floth Consultants	21 December 2011
LA-DA-001 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-002 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-100 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-101 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-201 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-202 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-211 (Rev A)	9/8/2011	Turf	14 October 2011
LA-DA-301 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-302 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-401 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-411 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-421 (Rev B)	20/12/2011	Turf	21 December 2011
LA-DA-501 (Rev B)	20/12/2011	Turf	21 December 2011

5. Visitor and resident parking spaces be separately signposted.
6. Each of the letter box banks at the building entrances must be fitted out to meet Australia Post design standards.
7. That each building be restricted to one master television satellite dish or antenna. Additional, separate and/or individual satellite/television dishes/antennas are not permitted without the prior Council consent or unless compliant with “exempt development” provisions listed in an Environmental Planning Instrument.
8. All materials must be stored wholly within the property boundaries and must not be placed on the footway or roadway.
9. All building operations for the erection or alteration of new buildings must be restricted to the hours of 7.00a.m.-5.00p.m. Monday to Saturday, except that on Saturday no mechanical building equipment can be used after 12.00 noon. No work is allowed on Sundays or Public Holidays.
10. Council’s warning sign for Soil and Water Management must be displayed on the most prominent point on the building site, visible to both the street and site workers. The sign must be displayed throughout construction.
11. All building construction work must comply with the National Construction Code.
12. All bathroom and ensuite windows must be made of translucent glass.
13. Provide a Surveyor’s Certificate to the Principal Certifying Authority prior to the pouring of concrete at all the floor slab levels indicating the finished floor level to a referenced benchmark. These levels must relate to the levels indicated on the approved architectural plans and/or the hydraulic details.
14. Provide a Surveyor’s Certificate to the Principal Certifying Authority prior to walls being erected more than 300mm above adjacent ground surfaces to indicate the exact location of all external walls in relation to allotment boundaries.
15. The capacity and effectiveness of erosion and sediment control devices must be maintained at all times.
16. Drains, gutters, roadways and accessways must be maintained free of soil, clay and sediment. Where required, gutters and roadways must be swept regularly to maintain them free from sediment. Do not hose down.
17. A single entry/exit point must be provided to the site which will be constructed of a minimum of 40mm aggregate of blue metal or recycled concrete. The depth of the entry/exit point must be 150mm. The length will be no less than 15m and the width no less than 3m. Water from the area above the entry/exit point shall

be diverted to an approved sediment filter or trap by a bund or drain located above.

18. Materials must not be deposited on Council's roadways as a result of vehicles leaving the building site.
19. All disturbed areas must be stabilised against erosion within 14 days of completion, and prior to removal of sediment controls.
20. An application being made to Council's City Works Division for the construction of a vehicular crossing either by Council or an approved contractor complying with City Works Division standards and at the owner's cost.
21. Toilet facilities shall be provided to the work site in accordance with WorkCover's NSW "CODE OF PRACTICE" for Amenities for construction work and any relevant requirements of the BCA.
22. The implementation of adequate care during building construction to ensure that no damage is caused to any adjoining properties.
23. This condition applies should the applicant not execute a Planning Agreement with the City of Canterbury as detailed in Condition A of the Deferred Commencement conditions of this Notice of Determination. The following contributions have been calculated on the development in accordance with Section 94 of the Environmental Planning and Assessment Act 1979 and in accordance with the City of Canterbury's Section 94 Contributions Plan 2005, after identifying the likelihood that this development will require or increase the demand on public amenities, public services and public facilities in the area. The monetary contribution of \$1,740,783.35 shall be paid to the City of Canterbury before a Construction Certificate can be issued in relation to the development, the subject of this Consent Notice. The amount payable is based on the following components:

Contribution Element	Contribution	Account No.
• Open Space Acquisition	\$838,815.41	711
• Recreation Facilities	\$140,773.92	712
• Community Services	\$446,354.54	713
• Environmental Amenity Improvements	\$173,842.24	714
• Traffic Control and Management	\$29,612.31	715
• Monitoring, research and administration	\$111,384.93	717

The rates applying to each contribution element are subject to quarterly indexing using the Consumer Price Index. If the contribution is not paid within the current quarterly period that the Consent Notice is issued, the contribution will be reviewed at the time of payment in accordance with the adopted Section 94 Plan. An alternative sum may be negotiated with the City of Canterbury pursuant to Clause 7.3 of the Section 94 Contributions Plan 2005. Council's Section 94 Contributions Plan 2005 may be inspected at Council's Administration Centre, 137 Beamish Street, Campsie or from Council's website www.canterbury.nsw.gov.au. A copy of the Plan may be purchased from Council's Administration Centre, 137 Beamish Street, Campsie during office hours.

WASTE MANAGEMENT

24. Access to the waste bins for servicing will be required from 5.00am on collection day. This access should be unimpeded and not require the use of keys, access codes, access swipes and the like. For details of waste management and collection please contact Waste Services on 9789 9300.
25. Payment of an additional garbage levy for each new dwelling upon completion of work.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

26. The storage units located in the parking areas be fully enclosed and be “non-see through”. This assist in deterring potential offenders from breaking in as they are unable to see what contents (ie: reward) are inside each storage unit.
27. The external finishes of the development be treated with an anti-graffiti finish/surface to deter graffiti offenders targeting the building and its perimeter.
28. Access to the development (this would include lifts and stairwells) should be restricted to residents only through a security system. Visitors to the residential complex should be provided with access via an intercom system.

ENGINEERING

29. Stormwater from roof areas must be linked via a temporary downpipe to a council approved stormwater disposal system immediately after completion of the roof area.
30. The construction site must have soil and water management controls implemented as described in Specifications S1 and S2 of Council’s Stormwater Management Manual.
31. Concrete pumping contractors must not allow the discharge of waste concrete to the stormwater system. Waste concrete must be collected and disposed of on-site.
32. A full width heavy duty vehicular crossing shall be provided at the vehicular entrance to the site, with a minimum and maximum width in accordance with the requirements of AS2890.1-2004 Off Street Parking at the boundary line. This work to be carried out by Council or an approved contractor, at the applicant’s cost. The work is to be carried out in accordance with Council’s “Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter”.
33. The applicant to arrange with the relevant public utility authority the alteration or removal of any affected services in connection with the development. Any such work being carried out at the applicant’s cost.
34. The levels of the street alignment are to be obtained from the approved Construction Certificate plans for the preferred project application for the civil and public domain works. These levels are to be incorporated into the designs of the internal pavements, carparks, landscaping and stormwater drainage. Evidence must be provided that these levels have been adopted in the design. As a site inspection and survey by Council is required to obtain the necessary information, payment is required at least 14 days prior to the levels being required.
35. A qualified practicing Civil Engineer shall design the pavements and certify that all driveways, parking and service areas have been constructed in accordance with the approved specifications. Design to be carried out in accordance with AUS-SPEC #1 Specification D2-Pavement Design. Construction is to be carried out in accordance with appropriate AUS-SPEC #1 Specifications: C242-Flexible Pavements; C245-Asphaltic Concrete; C247-Mass Concrete Subbase; C248-Plain or Reinforced Concrete Base; C254-Segmental Paving; C255-Bituminous Microsurfacing.
36. A driveway longsection scaled at 1:25 (both vertical & horizontal) is to be submitted indicating the appropriate grades, lengths, transitions and height clearances above the driveway. The street levels are to be included in the design of the driveway (The street levels include kerb & gutter, footpath and boundary line levels which cannot be altered). The driveway widths, grades, lengths and transitions shall be in accordance with Australian Standard AS 2890.1 - 2004 "Off-street Parking Part 1 - Carparking Facilities".

37. Conditions have not been provided for civil works outside the property boundary as these works are covered by a separate approval for civil and public domain works within the Riverwood North Residential Renewal Precinct.

LANDSCAPE

38. A detailed landscape plan is to be submitted for approval as part of the Construction Certificate documentation. The detailed plan is to be prepared in accordance with Canterbury Council's Development Control Plan 45 – Landscape, the stamped approved development consent plans and relevant Australian Standards. The landscape plan is to include details of:
- a) Site Analysis Information including:
 - 1) property boundaries and dimensions
 - 2) north point and scale
 - 3) differences in ground levels between the site and adjoining land
 - 4) street frontage features, light poles, street trees, kerbs, footpaths, crossing, street furniture, bus shelters and shops
 - b) Elements of the Natural Environment including:
 - 1) all existing trees to be retained or removed, species name and common name, height and canopy spread
 - c) Site Layout including:
 - 1) details of special treatments,
 - 2) location of utility areas and screening details
 - 3) location and details of lighting and other outdoor fixtures
 - 4) location, material and height of all fencing, including details of front boundary fencing,
 - 5) location of stormwater pipes and pits, including on-site detention
 - d) Built Structures including:
 - 1) proposed buildings and other structures,
 - 2) roadways, driveways, carpark, podiums, footpaths crossings and loading bays (including materials and finished levels),
 - e) Plant Selection including:
 - 1) Planting layout showing location of species and size at maturity, including street trees, trees on site, shrubs, ground covers, grasses, turf, etc
 - 2) Planting schedule with botanical and common names, container size, quantities, mature height and staking requirements
 - f) Construction Details including:
 - 1) Standard constructions and details drawings (eg. Sections through mass planting beds, tree planting and mulching details, paths, steps and retaining walls)
 - 2) Detailing and location of edge treatments (e.g. Concrete, brick, timber).
 - g) Maintenance Schedule including:
 - 1) replacement strategy for failures in plant materials and built works,
 - 2) maintenance schedule for watering, weeding and fertilizing during the establishment period
 - h) Urban Elements
 - 1) Detailed information on the urban elements to be provided as part of this development, such as street furniture, lighting, signage and paving, are to be provided on the detailed landscape plan.
39. The landscape plan mentioned in the above condition must be easily translated into the overall landscaping plans/treatment for the street trees and public land landscaping for the renewal of Riverwood North generally.

40. A maintenance period of 12 months is to be specified for this application. During this maintenance period, the landscaping must be maintained in accordance with the details specified on the detailed landscape plan approved as part of the Construction Certificate. The 12 month period begins from the date of issue of the Subdivision Certificate for the strata subdivision of this development.
41. In order to protect the local amenity and stability of adjoining sites and buildings that excavation of this site be carried out in accordance with Clause 98E of the Environmental Planning and Assessment Regulation 2000 and the Geotechnical Investigation prepared by Jeffery and Katauskas Pty Ltd, dated 8 November 2010 (Report Ref: 24375VTrpt).
42. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in BASIX Certificate No. 384951M dated 29 June 2011 for the development are fulfilled. In this condition:
- a) relevant BASIX Certificate means:
 - i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, A BASIX Certificate that is applicable to the development when this development consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
 - b) BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000."

SYDNEY WATER REQUIREMENTS

43. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to www.sydneywater.com.au/Building and Developing/Developing your land/Water Servicing Coordinator or telephone 13 20 92. Following application, a "Notice of Requirements" will be forwarded detailing water and sewage extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate or release of the final plan of subdivision.
- A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.

SUBDIVISION

44. This consent does not permit the strata subdivision of this development. The strata subdivision of the development must be the subject of a fresh Development Application (and Subdivision Certificate Application) made to Council.
45. As part of the strata subdivision each unit must be allocated at least one parking space.
46. In the occurrence of tandem (or stacked) parking spaces both spaces must be allocated to one residential unit.

CRITICAL INSPECTIONS

47. At the commencement of the building work, and

48. Prior to covering of waterproofing in any wet areas, for a minimum of 10% of rooms with wet areas within the building, and
49. Prior to covering any stormwater drainage connections, and
50. After the building work has been completed and prior to any occupation certificate being issued in relation to the building.
51. Section 81(A) of the EP&A Act 1979 requires that a person having the benefit of a development consent, if not carrying out the work as an owner-builder, must notify the principal contractor for the building work of any critical stage inspections and other inspections that are to be carried out in respect of the building work, as nominated in this development consent. To arrange an inspection by Council please phone 9789-9300 during normal office hours.

COMPLETION OF DEVELOPMENT

52. Construction compliance certification must be provided prior to the issuing of the Occupation Certificate to verify, that the constructed stormwater system and associate works has been carried out in accordance with the approved plans, relevant codes and standards. In this regard a Works-as-Executed plan must be submitted to Canterbury City Council at the completion of the works, the plan must clearly illustrated dimensions and details of the site drainage and the onsite detention (OSD) system. The plan shall be prepared by a registered surveyor or an engineer. The required certification must be issued by an accredited professional in accordance with the accreditation scheme of the Building Professional Board issued 1 March 2010. An appropriate instrument must be registered on the title of the property, concerning the presence and ongoing operation of the OSD system as specified in appendix 7.5 of Canterbury Council's Stormwater Management Manual – Specification 9.
53. Prior the issue of any Occupation Certificate for this development, that the new street connecting Kentucky Road with Washington Avenue (located to the west of the development) be constructed and finished. This street must be constructed in accordance with AUSROADS requirements. This street is must be completed and be ready for use as it is the only means of vehicular access to and from the site for residents.
54. Prior the issue of any Occupation Certificate of this development, public improvements are required to be carried out. These include the all redundant vehicular crossings being replaced with kerb and the footpath reserve being made good. As well as the reconstruction of the kerb and gutter and footpaths along all areas of the site fronting Washington Avenue and Kentucky Road and any new streets constructed to service this or any adjoining developments. Separate consent from our City Works division may be required for these public improvements. All such works must be carried out by Council or an approved contractor at your cost and in accordance with "Specification for the Construction by Private Contractors of: a) Vehicle Crossings, b) Concrete Footpath, c) Concrete Kerb & Gutter".
55. Obtain an Interim/Final Occupation Certificate from the Principal Certifying Authority before partial/entire occupation of the development.

WE ALSO ADVISE

56. This application has been assessed in accordance with the National Construction Code (formerly the Building Code of Australia).
57. Your attention is drawn to the BCA Capability Report prepared by Vic Lilli and Partners dated 18 August 2011, Reference No. J110213 regarding BCA compliance. Specifically that the Construction Certificate address the

- recommendation that an Alternative Solution be found to address the extended travel distances within the southern residential lobbies.
58. That the plans demonstrating compliance with the Disability (Access to Premises – Buildings) Standard 2010 show that the adaptation units alternate between right handed and left handed units on every second floor.
 59. The fitout of the building meet the recommendations made in the Access Review prepared by Morris-Goding Accessibility Consulting, dated 20 June 2011 (Report Ref: FINAL v2).
 60. That the lifts in the development be of sufficient dimensions to accommodate a paramedic stretcher.
 61. That the layout and selection of trees to be established around the site (and Riverwood North generally) be carried out with regard the comments made in the Pedestrian Wind Environment Statement prepared by Windtech Consultants dated 27 June 2011, Report Ref. No. WA985-07F04 (rev 2) – WS Report.
 62. You should contact Sydney Water prior to carrying out any work to ascertain if infrastructure works need to be carried out as part of your development.
 63. Where Council is appointed as the Principal Certifying Authority, you will be required to submit Compliance Certificates in respect of the following:
 - Structural engineering work
 - Final fire safety
 - Glazing
 - BASIX completion
 64. Any works to be carried out by Council at the applicant's cost need to be applied for in advance.
 65. Before you dig, call "Dial before you Dig" on 1100 (listen to the prompts) or facsimile 1300 652 077 (with your street no./name, side of street and distance from the nearest cross street) for underground utility services information for any excavation areas.
 66. In granting this approval, we have considered the statutory requirements, design, materials and architectural features of the building. No variation to the approved design and external appearance of the building (including colour of materials) as shown on the external finish schedule lodged with this DA will be permitted without our approval.
 67. Compliance with the Building Code of Australia does not guarantee protection from prosecution under "The Disability Discrimination Act". Further information is available from the Human Rights and Equal Opportunity Commission on 1800 021 199.
 68. Our decision was made after consideration of the matters listed under Section 79C of the Environmental Planning and Assessment Act 1979, and matters listed in Council's various Codes and Policies.
 69. If you are not satisfied with this determination, you may appeal to the Land and Environment Court within 6 months after the date on which you receive this Notice of Determination, under Section 97 of the Environmental Planning and Assessment Act 1979. .
2. The person who made a submission to the application be advised of this determination.

Assessing Officer Name Andrew Hargreaves

Position	Development Assessment Operations Officer
Date of Report	23 February 2012